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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,409	03/02/2004	Eugen Cretu-Petra	Eugen Cretu-Petra	2555
7590	09/14/2005			EXAMINER NGUYEN, HUNG T
Eugen Cretu-Petra Suite 2 18547 Innsbrook Dr. Northville, MI 48167		RECEIVED OIPENAP	ART UNIT 2636	PAPER NUMBER
		OCT 17 2005	DATE MAILED: 09/14/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

NEW CENTRAL FAX NUMBER

Effective July 15, 2005

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Office Action Summary	Application No.	Applicant(s)	
	10/791,409	CRETU-PETRA, EUGEN	
	Examiner	Art Unit	
	HUNG T. NGUYEN	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 March 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/2/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9, "temperature." will be changed to -- temperature;--;

In claim 1, line 10, "And to produce an electrical output in response to such" will be changed to --produces an output signal in response to the-- before "detection,";

Claim 1 recites the limitation "the back" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the exterior" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the presence" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3, is independent claim which recites the limitation "said diaper" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 3, line 2, after "conditions" insert --.--;

Claim 4, is independent claim which recites the limitation "said apparatuses" in line 3.

There is insufficient antecedent basis for this limitation in the claim.

3. Finally, applicant should read through the IDS / Information Disclosure Statement or cited references in order to understand how to write the claims in better forms.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawarizadeh et al. (U.S. 5,903,222).

Regarding claim 3, Kawarizadeh discloses a pager (90) is worn by a care giver / attendant from remotely location may receive (80) a presence of wetness condition (20,60) from patient's garment (19) by wireless signal [fig.16, col.3, line 66 to col.4, line 16, col.13, lines 9-26 and col.14, lines 31-45 and abstract].

Regarding claim 4, Kawarizadeh discloses a system for remotely monitoring a diaper condition as wetness [fig.16, col.3, line 66 to col.4, line 16, col.5, lines 61 67, col.13, lines 9-26 and col.14, lines 31-45 and abstract] comprising:

- a plurality of wetness sensor (20,60) which can be attached to plurality of patient's garments (19) [figs.4,16, col.5, lines 61 67 and col.14, lines 31-45];
- each of sensor having an radio frequency identification signal for transmitting coding signal to the remote receiver (80) [fig.16, col.3, line 66 to col.4, line 16, and col.14, lines 31-45 and abstract];
- an personnel may receive an output signal from the patient wetness conditions on display device (84) or printer (86) [fig.16, col.13, lines 9-26];
- a pager (90) is worn by a care giver / attendant from remotely location may receive (80) a presence of wetness condition (20,60) from patients by wireless signal [fig.16, col.3, line 66 to col.4, line 16, col.13, lines 9-26 and col.14, lines 31-45 and abstract].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roe et al. (U.S. 6,570,053).

Regarding claim 1, Roe discloses an apparatus for use in a diaper (20) to detect (60) urine and feces or bodily waste from wearers [figs.1,6, col.10, lines 1-37, col.11, lines 11-37, col.12, lines 21-36 and col.17, lines 24-45] comprising:

- a plurality of sensors (60) are attached (40) or secured to a diaper (20) for detecting the presence of urine and feces for the wearer at all time [figs.1,6, col.5, lines 1-6, col.10, lines 1-37, col.11, lines 11-37 and col.17, lines 24-45];
- the diaper having motion & temperature [col.10, lines 1-37];
- the sensors (60) coupled to a controller (80) for detecting the presence of urine and feces for the wearer at all time and transmitting output signal as audible / visual signal to the remote location by wireless signal [figs.1,6, col.11, lines 48-65, col.12, lines 6-20, col.16, lines 34-55 and col.17, lines 29-45];
- a housing for holding electronic components as the sensors (60), the controller (80) and etc. is cited in figs. 1-2,6, col.11, line 48 to col.12, line 19].
- conductive sensor are used for sensing the presence of urine and feces for the wearer at all time [figs.1,6, col.10, line 35 to col.11, line 10 and col.11, lines 55-65].

The reference of Roe does not specifically mention fullness level of urine and feces in the diaper and retractable claws pairs for attaching to the diaper as claimed by the applicant.

However, the reference of Roe does show that the controller (80) coupled to sensors (60) for monitoring the threshold level of urine and feces in the diaper which are stored / inputted / programmed in the memory device as desired by a caretaker, also Roe teaches the attachment / fastening (40) the diaper can be used in any form or that

is as well known in the prior art [col.5, lines 1-6, col.8, lines 17-24, col.10, lines 1-17, col.12, lines 6-49, and col.16, lines 1-56].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the system of Roe for monitoring any condition of urine and feces or other signals in the diaper from plurality of wears / patients at all time which can be programmed any desired input signal by nurse or caretaker.

Regarding claim 2, Roe discloses the sensors (60) coupled to the controller (80) for detecting the presence of urine and feces for the wearer at all time and transmitting output signal as audible / visual signal to the remote location by wireless signal [figs.1,6, col.11, lines 48-65, col.12, lines 6-20, col.16, lines 34-55 and col.17, lines 29-45].

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Davallou (U.S. 5,709,222) Body waste detection and alarm system.
- Friedman et al. (U.S. 6,774,800) Patient incontinence monitoring apparatus and method of use thereof.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER



Examiner: Hung T. Nguyen

Date: Sept. 12, 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary.)

Sheet 1 of 1

Complete if Known

Application Number	10/791,409
Filing Date	2004 March 02
First Named Inventor	Eugen Cretu-Petra
Art Unit	2636
Examiner Name	NGUYEN, HUNG T.
Attorney Docket Number	Eugen Cretu-Petra

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

**Examiner
Signature**

Hungry

Date
Considered

9/12/05

EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinda Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination CRETU-PETRA, EUGEN	
		Examiner HUNG T. NGUYEN	Art Unit 2636	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,709,222	01-1998	Davallou, Harry H.	128/885
	B	US-6,774,800	08-2004	Friedman et al.	340/573.5
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.